

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

KANAL V. GASTON,

Plaintiff,

v.

HARRIS COUNTY, et al.,

Defendants.

) No. 3:12-CV-00023-PK
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**OPINION AND ORDER ADOPTING
FINDINGS & RECOMMENDATION**

SIMON, District Judge.

On January 23, 2012, Magistrate Judge Paul Papak issued Findings and Recommendation (#6) in the above-captioned case. Judge Papak recommended that Plaintiff's complaint should be dismissed without prejudice (#2) and that Plaintiff should be allowed to file an amended complaint, if he desires, attempting to cure the deficiencies identified. Judge Papak also recommended that Plaintiff's motion for "protective/restraining order" (#5) be denied as moot. Neither party has filed objections, although Plaintiff has filed a motion for an extension of time in which to object (#9). In that same motion, Plaintiff also requests leave to file an amended complaint, to consolidate this case with case 3:12-cv-00063-ST, and "for both paper and electronic filings and waiver to serve each defendant."

I ADOPT Judge Papak's Findings and Recommendation (#6) for the reasons stated therein. The complaint is DISMISSED. Plaintiff has sixty (60) days from the date of this order to file an amended complaint to attempt to cure the deficiencies identified in Judge Papak's Findings and Recommendation. The motion for a protective/restraining order (#5) is DENIED as moot.

Plaintiff's request to consolidate this case with 3:12-cv-00063-ST (#9) is DENIED. Plaintiff's request for relief from the service rule (#9) is DENIED. Plaintiff's motion for extension of time and to file an amended complaint (#9) is DENIED as moot. Plaintiff's request for appointment of pro bono counsel (#3) is DENIED.

Dated this 9th day of March, 2012.



Michael H. Simon
United States District Judge